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EXAMINER	
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2173	

  

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/051,555

Applicant(s)

MINDRUM, GORDON SCOTT

Examiner

TADEESE HAILU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39-47, 51, 65-69, 71 and 73-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-47, 51, 65-69, 71 and 73-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to the Amendment entered December 27, 2007.
2. The pending claims 39-47, 51, 65-69, 71, and 73-76 are examined herein as follows.

### ***Response to Arguments***

3. Applicant's arguments filed December 27, 2007 have been fully considered but they are not persuasive. The applicant questioned and argues that a prima facie case of obviousness is not established by the examiner; and argues that the combined art of record fails to render any of the present claims obvious. The examiner strongly disagree. As given in the Office action below, the examiner clearly established the requirement of obviousness and indicated the motivation and /or suggestion in each respective cited art to reject and/or support the rejection; and the applied art render the claimed limitations obvious.

As recited in claim 39, the claim reads in part as follows "providing a kiosk within a mausoleum in the cemetery" and "permitting visitors of the mausoleum in the cemetery to use the kiosk in the mausoleum to access biological information relating to a plurality of deceased persons, wherein the plurality of deceased persons includes the deceased person." . The applicant argues that these limitations, among others recited in amended claim 39, similarly in amended claims 75 and 76 are neither taught nor suggested by the combined art of record.

The examiner disagrees. to begin with the applicant fall short to indicate where in the specification the support is described. The closest reading for the newly introduced

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limitations is found on page 28, lines 3-6, and reads as follows "In one embodiment, a kiosk located at the office or the mausoleum access the PC system 139 providing a multimedia presentation of the Life Story of a given individual. Preferably, the kiosk will have a touch screen technology to receive flexion inputs from the user.

Thus, closely reading the claim in view of the specification language, the applied art substantially discloses a kiosk within a cemetery where the kiosk providing information related to a deceased person and for inputting via touch screen or keyboard information about the deceased person to the kiosk (i.e., a small, self-standing structure).

Evans discloses a small, self-standing structure display terminals (Kiosk) for use in funeral homes and the like (e.g. cemetery) where deceased individuals may be visited by their family and friends. The terminal provides images, audio, and textual information about the deceased. Further, the terminal allows entry of information supplied to the funeral home by the decedent's immediate family, but also allows subsequent entry of information about the decedent by other family members, friends, and acquaintances of the deceased (column 5, lines 22-48).

Similarly, Pearlson, in particular mentioned that Small portable kiosks or stands are well known for displaying or providing information to persons at meetings or in other surroundings.

Thus, the combined art, Evans, in particular substantially disclose a kiosk located at the desired location, such as funeral home, cemetery office or any other surroundings

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to provide information, such as access and/or input information about a deceased person.

***Claim Rejections - 35 USC § 112***

4. Claims 71, 73, and 74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The above claims are rejected because there is no support in the Specification that the recited mausoleum having a built-in heating, security sensors, or an awning.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 39-47, 51, 65-69 and 75-76 are rejected less than 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Pat. No. 5,696,488) in view of Bexten (US Pat No 6,205,133), Evans, III (U.S. Pat. No. 5,732,231) and Pearlson (US 5,271,669) and Boggio (5,404,343).

With regard to claim 39:

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Assisi discloses a method, system and storage, for storing, retrieving and presenting personal or biographical information relating to and/or from a deceased person.

Assisi further describes that a user of the communication apparatus or wireless device **3** communicates or requests and access biological information (life pack) associated with the deceased person (located at the gravestone **1**) with the control storage chamber **7** (or kiosk) located at the cemetery.

Assisi discloses a system (see **FIGURE**) for presenting information relating to a deceased person (see Abstract), the system comprising:

a computer readable medium (**6**) comprising data stored, representing biographical information (personal information) relating to a deceased person, wherein the deceased person is associated with a cemetery (column 1, lines 31-62).

Assisi further describes a processor (**5**) in communication with the computer readable medium (**6**), wherein the processor is operable to receive a request (via data cable **4**) for at least a portion of the biographical information relating to the deceased person from a user (user of communication apparatus **3**) located within the cemetery (see column 1, lines 63-column 2, lines 6, **FIGURE**).

Assisi further describes a device (**3**) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus **3**) located within the cemetery (see **FIGURE**), wherein the transmitter (**2**) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (**3**) in response to the request for at least a portion

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of the biographical information relating to the deceased person (see Abstract, column 2, lines 23-30, FIGURE). Furthermore, Assisi teaches that the user/visitor of the portable device can gain access to the storage device and may call up there from desired information for display or direct processing.

Assisi further discloses a control storage chamber comprising one or more of the computer readable medium (6), the computer/processor (5), and the receiver/transmitter connected at the computer by data cable 4.

Assisi further discloses a transmitter (2) in communication with the processor (5), the transmitter (2) being operable to transmit at least a portion of the requested biographical information relating to the deceased person, wherein the transmitter/receiver is located within the cemetery. Assisi further teaches the transmitter/receiver is operable to transmit biographical information relating to a deceased person, the portable device receives desired information for display or direct processing, that is the user can gain access information related to a deceased person (Abstract, column 1, lines 31-46, column 2, lines 15-22, FIGURE), but accessing information via transmitter related to a plurality of deceased persons (plural) is not shown.

Thus, in claims languages Assisi is silent in describing, " ...the receiver is operable to receive requests for biographical information relating to a plurality deceased persons (plural); and similarly Assisi is silent in describing "...the transmitter is operable to transmit biographical information relating to a plurality of deceased persons (plural).

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Assisi meets the limitations of claim 39 except that it employs a transmitter/receiver operable to transmit biographical information relating to a deceased person rather than transmitter/receiver operable to transmit/receive biographical information relating to deceased persons. Furthermore, Assisi seems to illustrate that more than one transmitter/receiver is needed to gain access to each deceased person in the graveyard, that is, each gravestone seems to be equipped with transmitter/receiver.

Bexten, on the other hand discloses a single central hub radio communication transmitter/receiver for use in radio communication with multiple distributed radio transceivers (portable devices) (Fig. 1). Bexten and Assisi are analogous art because they are from the same field of endeavor, accessing information resource via radio communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the plurality of transmitter/receiver seems to be located at each gravestone with a central transmitter/receiver of Bexten because centralizing resources radio communication (e.g., transmitter/receiver) at the hub would maximizes overall system capacity, flexibility, and resource usage efficiency while minimizing the overall system cost (Bexten, Abstract). Furthermore the central transmitter/receiver enables the transceiver users to gain access to several information resources, without limited to a single resource. Therefore, it would have been obvious to combine Bexten with Assisi with little modification (that is, placing Assisi's transmitter/receiver at the central hub) to obtain the invention as specified in claim 39.



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The combined art of Assisi and Bexten does not clearly describe that the life pack includes "*instructions, to the person associated with the deceased person, regarding how to provide the requested particular types of biographical information relating to the deceased person in response to the requests*" as required in claim 39. Evans, on the other hand describes that a relative or a person associated with the deceased person, using a display terminal for use in funeral homes and by following the displayed instructions (Fig. 5), may provide information to a requested party or immediate family in any appropriate format, such as CD-Rom, Video Cassette or printout. (column 5, lines 22-48).

Evans also describes that at least a portion of the transmitted information comprises information submitted by the person associated with the deceased person (e.g., immediate family) in response to one or more of the requests of the life pack (column 2, lines 1-20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the providing of instructions in an appropriate format as described in Evans (e.g., col. 2, lines 21-47) and further incorporating transmitting information submitted from the immediate family with the information processing of Assisi in view of Bexten so that requestor will be receiving information in a desired format, such as s, for example, CD-Rom, Video Cassette or printout and information from the immediate family. (column 5, lines 22-48).

Furthermore, while Assisi in view of Bexten discloses control chamber storage, i.e., storage of communication device including computers comprising

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a computer readable medium storage (6) and transmission (2) located with a cemetery, but the combined art fall short naming this storage as an office, cemetery office or a kiosk.

However, Evans III (Evans) discloses an apparatus located in a funeral establishment located outside the funeral parlor (column 3, lines 25-31) so that visitors coming to view the deceased and comfort his or her family can view images of the deceased, listen to audio of or about the deceased, and read textual information about the deceased, wherein information is presented to the user in a terminal display designed in a kiosk fashion (Figs. 2-4, column 2, lines 50-67, column 3, lines 42-67).

Evans and Assisi in view of Bexten are analogous art because they are from the same field of endeavor, presenting information to a user. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the control storage chamber (7) of Assisi in view of Bexten with the *terminal display* of Evans because such *terminal display* at least allows entry or retrieval of information about the deceased from distant sites (e.g., Internet) so family members and others unable to visit the deceased can have information (Evans, column 2, lines 14-20).

While the combined art discloses a kiosk (see Evans Figs. 2-4) within the cemetery including that the kiosk comprises a display operable to render biographical information relating to the deceased person (see Evans Figs. 2-4), the combined art, however does not explicitly describe that the kiosk is provided with a structure that is configured to

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provide overhead cover for the display of the kiosk, wherein the structure that is configured to provide overhead cover for the display of the kiosk is within the cemetery.

However, a kiosk usually includes a roof structure or overhead cover for the display and/or storage space. Such teaching is disclosed by Pearlson (see Abstract).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide an overhead or top cover housing structure to Evans' terminal display (that is arranged in kiosk fashion) so that the terminal display will be sheltered from sun and rain, etc and avoid exposure to weather, dust, insects and animals.

The combined art, also substantially disclose that the portable kiosk (e.g. Pearlson or Evans Kiosk) can be moved and positioned in any desired location, such as funeral home, cemetery office or any other surroundings such as within mausoleum (Fig. 4) of Boggio to provide information, such as access and/or input information about a deceased person. Thus, closely reading the claim language in view of the specification of the invention, the combined art substantially teach permitting visitors of the cemetery office (or mausoleum) to use the kiosk in the mausoleum to access biological information relating to a plurality of deceased persons as recited in the claim.

Therefore, it would have been obvious to combine Assisi, Bexten, Evans, and Pearlson with Boggio to obtain the invention as specified in claim 39.

With regard to claim 40:

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Assisi in view of Bexten and Evans discloses that said computer readable medium (6) is located within the cemetery (Assisi, FIGURE).

With regard to claim 41:

Assisi further describes a computer readable medium (6) comprising data stored, representing biographical information (personal information) relating to a deceased person, wherein the deceased person is associated with a cemetery (Assisi, column 1, lines 31-62).

With regard to claim 42:

Assisi in view of Bexten and Evans further discloses that said deceased person's grave site (Assisi, FIGURE) Located within the cemetery, wherein at least one of the computer readable medium (6) or the transmission (2) location is Located at or proximate to the grave site (Assisi, FIGURE).

With regard to claim 43:

Assisi further describes a device (3) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus 3) located within the cemetery (see FIGURE), wherein the transmitter (2) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (3) in response to the request for at least a portion of the biographical information relating to the deceased person (Assisi, see Abstract, column 2, lines 23-30, FIGURE).

With regard to claim 44:

Assisi in view of Bexten and Evans further discloses that said computer readable medium (6 and/or 6') further includes biographical information relating to a plurality of deceased persons (Assisi, column 2, lines 16-22).

With regard to claim 45:

Assisi in view of Bexten and Evans further discloses that said device (3) comprises a portable electronic device (Assisi, Abstract, and column 1, lines 52-62).

With regard to claim 46:

Assisi in view of Bexten and Evans further discloses providing the portable electronic device (3) to the user for a limited time (Assisi, column 2, lines 3-6, column 2, lines 26-30).

With regard to claim 47:

Assisi in view of Bexten and Evans further discloses that portable electronic device comprises at least one of a personal digital assistant (3) or a laptop computer (Assisi, Abstract, and column 1, lines 52-62).

With regard to claim 51:

Assisi in view of Bexten and Evans further discloses that said at least a portion of the requested biographical information relating to the deceased person is transmitted to the device (3) wirelessly (Assisi, Abstract, column 1, lines 52-62).

With regard to claims 65 and 66:

Assisi in view of Bexten and Evans further discloses that at least a portion of the requested type of biographical information, such as text or picture, is provided to the

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person at communication device (3), associated with the deceased person electronically wirelessly (Assisi, FIGURE).

With regard to claim 67:

Assisi in view of Bexten and Evans disclose a device permitting a person associated with the deceased person to select a visual format for presentation of the biographical information transmitting for the requested family member or friend. The visual format can be presented in textual or pictorial (photographical) package or both formats. (Evans, Figs. 2-4).

With regard to claim 68:

Assisi in view of Bexten and Evans further discloses that the life pack can be prepared, packed and shipped in tangible hard copy materials including photo pictures, CD-Rom, and Video Cassette (Evans, column 5, lines 22-48).

With regard to claim 69:

Assisi in view of Bexten and Evans further discloses that his display of the kiosk comprises a touch screen operable to receive input from a user (Evans, Figs. 2-4).

With regard to claims 75 and 76:

Assisi discloses a method, system and storage, for storing, retrieving and presenting personal or biographical information relating to and/or from a deceased person.

Assisi further describes that a user of the communication apparatus or wireless device 3 communicates or requests and access biological information (life pack)

associated with the deceased person (located at the gravestone 1) with the control storage chamber 7 (or kiosk) located at the cemetery.

Assisi discloses a system (see **FIGURE**) for presenting information relating to a deceased person (see Abstract), the system comprising:

Assisi further describes a computer readable medium (6) comprising data stored, representing biographical information (personal information) relating to a deceased person, wherein the deceased person is associated with a cemetery (column 1, lines 31-62).

Assisi further describes a processor (5) in communication with the computer readable medium (6), wherein the processor is operable to receive a request (via data cable 4) for at least a portion of the biographical information relating to the deceased person from a user (user of communication apparatus 3) located within the cemetery (see column 1, lines 63-column 2, lines 6, **FIGURE**).

Assisi further describes a device (3) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus 3) located within the cemetery (see **FIGURE**), wherein the transmitter (2) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (3) in response to the request for at least a portion of the biographical information relating to the deceased person (see Abstract, column 2, lines 23-30, **FIGURE**). Furthermore, Assisi teaches that the user/visitor of the portable device can gain access to the storage device and may call up therefrom desired

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information for display or direct processing, but Assisi does not clearly show that the user can gain access information related to one or more deceased persons (plural).

Assisi further discloses a control storage chamber comprising one or more of the computer readable medium (6), the computer/processor (5), and the receiver/transmitter connected at the computer by data cable 4.

Assisi further discloses a transmitter (2) in communication with the processor (5), the transmitter (2) being operable to transmit at least a portion of the requested biographical information relating to the deceased person, wherein the transmitter/receiver is located within the cemetery. Assisi further teaches the transmitter/receiver is operable to transmit biographical information relating to a deceased person, the portable device receives desired information for display or direct processing, that is the user can gain access information related to a deceased person (Abstract, column 1, lines 31-46, column 2, lines 15-22, FIGURE), but accessing information via transmitter related to a plurality of deceased persons (plural) is not shown.

Thus, in claims languages Assisi is silent in describing, "...the receiver is operable to receive requests for biographical information relating to a plurality deceased persons (plural); and similarly Assisi is silent in describing "...the transmitter is operable to transmit biographical information relating to a plurality of deceased persons (plural).

Assisi meets the limitations of claims 52 and 61 except that it employs a transmitter/receiver operable to transmit biographical information relating to a deceased person rather than transmitter/receiver operable to transmit/receive biographical



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information relating to deceased persons. Furthermore, Assisi seems to illustrate that more than one transmitter/receiver that is needed to gain access to each deceased person in the graveyard, that is, each gravestone seems to be equipped with transmitter/receiver.

Bexten, on the other hand discloses a single central hub radio communication transmitter/receiver for use in radio communication with multiple distributed radio transceivers (portable devices) (Fig. 1). Bexten and Assisi are analogous art because they are from the same field of endeavor, accessing information resource via radio communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the plurality of transmitter/receiver seems to be located at each gravestone with a central transmitter/receiver of Bexten because centralizing resources radio communication (e.g., transmitter/receiver) at the hub would maximizes overall system capacity, flexibility, and resource usage efficiency while minimizing the overall system cost (Bexten, Abstract). Furthermore the central transmitter/receiver enables the transceiver users to gain access to several information resources, without limited to a single resource. Therefore, it would have been obvious to combine Bexten with Assisi with little modification (that is, placing Assisi's transmitter/receiver at the central hub) to obtain the invention as specified in claims 52 and 61.

Furthermore while Assisi in view of Bexten discloses control chamber storage, i.e., storage of communication device including computers comprising a computer readable medium storage (6) and transmission (2) located with a cemetery, but the combined art fall short naming this storage as an office, cemetery office or a kiosk.

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However, Evans III (Evans) discloses an apparatus located in a funeral establishment located outside the funeral parlor (column 3, lines 25-31) so that visitors coming to view the deceased and comfort his or her family can view images of the deceased, listen to audio of or about the deceased, and read textual information about the deceased, wherein information is presented to the user in a terminal display designed in a kiosk fashion (Figs. 2-4, column 2, lines 50-67, column 3, lines 42-67).

Evans and Assisi in view of Bexten are analogous art because they are from the same field of endeavor, presenting information to a user.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the control storage chamber (7) of Assisi in view of Bexten with the *terminal display* of Evans because such *terminal display* at least allows entry or retrieval of information about the deceased from distant sites (e.g., Internet) so family members and others unable to visit the deceased can have information (Evans, column 2, lines 14-20).

While the combined art discloses a kiosk (see Evans Figs. 2-4) within the cemetery including that the kiosk comprises a display operable to render biographical information relating to the deceased person (see Evans Figs. 2-4), the combined art, however does not explicitly describe that the kiosk is provided with a structure that is configured to provide overhead cover for the display of the kiosk, wherein the structure that is configured to provide overhead cover for the display of the kiosk is within the cemetery.

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However, a kiosk usually includes a roof structure or overhead cover for the display and/or storage space. Such teaching is disclosed by Pearlson (see Abstract).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide an overhead or top cover housing structure to Evans' terminal display (that is arranged in kiosk fashion) so that the terminal display will be sheltered from sun and rain, etc and avoid exposure to weather, dust, insects and animals.

The combined art, also substantially disclose that the portable kiosk (e.g. Pearlson or Evans Kiosk) can be moved and positioned in any desired location, such as funeral home, cemetery office or any other surroundings such as within mausoleum (Fig. 4) of Boggio to provide information, such as access and/or input information about a deceased person. Thus, closely reading the claim language in view of the specification of the invention, the combined art substantially teach permitting visitors of the cemetery office (or mausoleum) to use the kiosk in the mausoleum to access biological information relating to a plurality of deceased persons as recited in the claim.

Therefore, it would have been obvious to combine Assisi, Bexten, Evans, Pearlson with Boggio to obtain the invention as specified in claims 75 and 76.

6. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over the cited art as applied to claim 39 above, and further in view of Chandler, Jr., et al (4,835,983).

Since no support is found to the alleged claim language, the examiner reads the claimed mausoleum having built-in air conditioning, as office cemetery or kiosk having

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built-in air conditioning. The cited art in claim 39 do not show such built-in air conditioning.

Chandler, Jr., et al disclose a kiosk with air-conditioning and heater (Abstract, Fig. 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Chandler's kiosk that has built-in heating and air conditioning in the method taught by the above references because such structure does not serve as a limitation on the claim or functionally relate to the steps in the method claimed.

7. Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over the cited art as applied to claim 39 above, and further in view of McCarty et al (5,946,660).

Since no support is found to the alleged claim language, the examiner reads the claimed mausoleum having security sensors, as office cemetery or kiosk having security sensors. The cited art in claim 39 do not show such security sensors.

McCarty on the other hand discloses a structure housing a kiosk wherein the kiosk comprises a camera (or security sensor) (Fig. 3 or 4A, #32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate any structure (such as McCarty's) configured to provide overhead cover for the display of the kiosk that comprises a camera in the method taught by the above references because such structure does not serve as a limitation on the claim or functionally relate to the steps in the method claimed.

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8. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over the cited art as applied to claim 39 above, and further in view of Eisler (4,150,551).

Since no support is found to the alleged claim language, the examiner reads the claimed mausoleum having awning, as office cemetery or kiosk having an awning. The cited art in claim 39 do not show such awning.

Eisler on the other hand discloses a kiosk structure (Fig. 18) including awning (Figs. 12-14) that serves for cooling and covering the kiosk. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate any structure (such as Eisler's) configured to provide overhead cover for the display of the kiosk that comprises a awning in the method taught by the above references because despite the type of structure is user such structure does not serve as a limitation on the claim, this is because the structure claimed is not processed by the computer or it does not alter the process steps or it is not functionally related to the steps in the method claimed.

### CONCLUSION

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dennis Chow, can be reached at (571) 272-7767 Art Unit 2173 .

12. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
TADESSE HAILU  
PRIMARY EXAMINER